

## **SUPPORTING STATEMENT**

### **Notice of Appeal of Decision**

**Under Section 210 or 245A of the Immigration and Nationality Act**

**(Form I-694)**

**OMB No. 1615-0034**

#### **A. JUSTIFICATION:**

1. Sections 210 and 245A of the Immigration and Nationality Act contain specific language regarding the adjudication and appeal rights of Section 210 and 245A applicants, wherein are the provisions for appeals to adverse decisions.

Because of the continuing litigation regarding applicants that presumably fall within the above sections, the U.S. Citizenship and Immigration Services (USCIS) must continue to accept applications until all court cases have had decisions rendered and the USCIS is not mandated to accept any more applications. Statutory construction within Public Law 99-603 (Immigration Reform and Control Act of 1986).

2. The information on the application will be used by USCIS in considering the eligibility for legalization under section 210 and 245A of the Act.
3. The use of this form currently provides the most efficient means for collecting and processing the required data. In this case, the USCIS does not employ the use of information technology in collecting and processing information. The USCIS will conduct a study that will include a plan to determine the feasibility of electronic filing.
4. A review of the USCIS automated forms tracking system was accomplished and revealed no duplication. There is no similar data collected.

5. This collection of information does not have an impact on small businesses, or other small entities.
6. Without the use of this information collection (Notice of Appeal) an applicant whose alien status has been terminated by the USCIS may also lose other immigration benefits, such as U.S. residency, employment, and/or the ability to travel abroad. An applicant files this information collection to rebut opposition to grounds of termination and to ensure the continuance of certain immigration benefits.
7. There are no special circumstances applicable to this information collection.
8. The USCIS published a notice in the Federal Register on April 4, 2005 at 70 FR 17109. The notice allowed for a 60-day public review and comment period. The USCIS did not receive any public comments during this period.
9. The USCIS does not provide payment or gifts to respondents in exchange for a benefit sought.
10. There is no assurance of confidentiality.
11. There are no questions of a sensitive nature.
12. Annual Reporting Burden:

a.	Number of Respondents	1,192
b.	Number of Responses per Respondent	1
c.	Total Annual Responses	1,192
d.	Hours per Response	.5
e.	Total Annual Reporting Burden	596
f.	Total Public Cost	\$ 131,120

#### **Annual Reporting Burden**

The annual reporting burden is **596**. This figure was derived by multiplying the number of respondents (**1,192**) x frequency of response (**1**) x hours per response(**.5**). This estimation is based on prior USCIS experience with the program.

### **Public Cost**

The estimated annual public cost is **\$131,120**. This figures is based on the number of respondents 1,192 x .5 hours per response x \$10 (average hourly rate), plus the number of respondents (1,192 x fee charge of \$110).

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this information collection are identified in Item

14. ***There is a fee charge of \$110 per application associated with the collection of this information.***

14. Annualized Cost Analysis:

a.	Printing Cost	\$	215
b.	Collection and Processing Cost	\$	124,945
c.	Total Cost to Program	\$	125,160
d.	Fee Charge	\$	125,160
e.	Total Cost to Government	\$	0

### **Government Cost**

The estimated cost of the program to the Government is calculated by using the estimated number of respondents 1,192 multiplied by the suggested \$105 fee charge, (which includes suggested average hourly rate for clerical, officer, and supervisory time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, and distributing the form, which is \$215.

15. There has been a decrease in the estimated burden hours previously reported for this information collection because of the sunset of the Legalization Program (Pub. L. 99-603). This form is used only by Legalization applicants and as fewer applicants are being found eligible for legalization, fewer will need to file this notice of appeal of a decision under section 210 or 245A of the Immigration and Nationality Act.

16. USCIS does not intend to employ the use of statistics or the publication thereof for this information collection.
17. The USCIS will display the expiration date of this form.
18. The USCIS does not request an exception to the certification of this information collection. See attached Item 19 of Form OMB 83-I.

**B. Collection of Information Employing Statistical Methods.**

Not Applicable.

**C. Certification and Signature.**

**PAPERWORK CERTIFICATION**

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

---

Richard A. Sloan  
Director  
Regulatory Management Division  
U.S. Citizenship and Immigration Services

---

Date